

APPEAL NO. 040438
FILED APRIL 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 26, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, does extend to the diagnosed psychological condition of major depression. The appellant (carrier) appealed, arguing that the determination of the hearing officer should be reversed because the respondent (claimant) failed to prove causation. The claimant responded, contending that there is sufficient evidence in the record to affirm the hearing officer's determination.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable cervical, lumbar, and left knee injury on _____. At issue was whether the compensable injury of _____, extends to include the diagnosed psychological condition. The claimant's treating doctor referred the claimant to Dr. C, a psychiatrist, who opined that there was a direct causal link between the claimant's mental and emotional status and her compensable injuries. Dr. C noted that the claimant had severe back and left knee pain after sustaining her compensable injuries and that she had severe activity restrictions in all activities of daily living. The carrier argues that the hearing officer failed to explain what evidence she relied upon to satisfy the necessary causation analysis. We disagree. In her Statement of the Evidence, the hearing officer notes that Dr. C indicated that the claimant suffered from major depressive disorder as a result of the compensable injury.

The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's psychological problems. There was conflicting medical evidence regarding whether the claimant suffered from depression and what the cause of her depression might be.

The Appeals Panel has held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). In view of the evidence

presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY, A DIVISION OF ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**LEO MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge